

United States Courts
Southern District of Texas
FILED

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

May 30, 2024

Nathan Ochsner, Clerk of Court

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

May 30, 2024

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-40161 Bellard v. University of Texas
USDC No. 3:22-CV-88

The court has granted the motion to supplement the record in this case. The originating court is requested to provide us with a supplemental electronic record consisting of the documents outlined in the attached motion. Counsel is reminded that any citations to these documents must cite to the supplemental electronic record.

Sincerely,

LYLE W. CAYCE, Clerk

Melissa Mattingly

By: _____
Melissa V. Mattingly, Deputy Clerk
504-310-7719

Ms. Brooke C. Bahlinger
Mr. H. Christopher Bartolomucci
Mrs. Carrie Beth Hoffman
Mr. Kenneth A. Klukowski
Ms. Jessica Glatzer Mason
Mr. Nathan Ochsner

No. 24-40161

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

BOBBY BELLARD, ET AL.,

Plaintiffs-Appellants,

v.

UNIVERSITY OF TEXAS M.D. ANDERSON CANCER CENTER, ET AL.,

Defendants-Appellees.

On Appeal from the United States District Court
for the Southern District of Texas
No. 3:22-cv-00088, Hon. Judge Jeffrey V. Brown

**APPELLANTS' UNOPPOSED MOTION
TO SUPPLEMENT THE RECORD ON APPEAL**

H. CHRISTOPHER BARTOLOMUCCI
Counsel of Record
KENNETH A. KLUKOWSKI
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
Facsimile: (202) 776-0136
cbartolomucci@schaerr-jaffe.com

Counsel for Plaintiffs-Appellants

CERTIFICATE OF INTERESTED PERSONS

No. 24-40161

**Bobby Bellard, *et al.* v. University of Texas M.D.
Anderson Cancer Center, *et al.***

The undersigned counsel of record certifies that the following persons and entities as described in the fourth sentence of Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal:

Plaintiffs-Appellants:

Bobby Bellard
Craig Messick
Barbra Speer

**Counsel for
Plaintiffs-Appellants:**

SCHAERR | JAFFE LLP
H. Christopher Bartolomucci
(cbartolomucci@schaerr-jaffe.com)
Mark R.A. Paoletta
(mpaoletta@schaerr-jaffe.com)
Edward H. Trent
(etrent@schaerr-jaffe.com)
Brian J. Field
(bfield@schaerr-jaffe.com)
Cristina Martinez Squiers
(csquiers@schaerr-jaffe.com)
Kenneth A. Klukowski
(kklukowski@schaerr-jaffe.com)

Defendants-Appellees:

University of Texas M.D. Anderson
Cancer Center
Peter W.T. Pisters
Rosanna Morris
Carin Hagberg
Walela Tereffe
Roy Chemaly
Shibu Varghese
John Does 1-5

**Counsel for
Defendants-Appellees:**

FOLEY & LARDNER, LLP
Carrie Beth Hoffman
(choffman@foley.com)
Jessica Glatzer Mason
(jmason@foley.com)
Brooke C. Bahlinger
(bbahlinger@foley.com)

/s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci

*Counsel of Record for
Plaintiffs-Appellants*

MOTION TO SUPPLEMENT THE RECORD

Pursuant to Federal Rule of Appellate Procedure 10(e), Appellants Bobby Bellard, Craig Messick, and Barbra Bryce Speer (“Appellants”) respectfully move to supplement the Record on Appeal. In support of this motion, Appellants state as follows:

1. Appellants are appealing under 28 U.S.C. § 1292(a) the district court’s denial of injunctive relief in this suit, alleging violations of constitutional rights brought under 42 U.S.C. § 1983, and also of rights secured by Title VII of the Civil Rights Act of 1964, as amended.

2. The district court denied Appellants injunctive relief in its order on summary judgment entered February 9, 2024. That decision is found at ECF No. 109 on the district court docket, and begins at ROA.8430 in this Court’s Record on Appeal.

3. Subsequent to that decision, Appellants filed a timely motion for reconsideration, which the district court granted in part and denied in part. The motion was filed on February 19, 2024, docketed as ECF No. 110, and decided on March 20, 2024, docketed as ECF No. 116. Both that motion and the district court’s order deciding that motion are also currently part of this Court’s Record on Appeal.

4. However, once briefing was underway in this Court and the ROA was finalized, Appellees filed their own motion for reconsideration on May 6, 2024,

docketed as ECF No. 117. This week, on May 28, 2024, Appellants timely filed their response in the lower court, docketed as ECF No. 119. Appellees' motion is still pending in the lower court.

5. Appellees raise points in their May 6 motion for reconsideration that are relevant to this appeal, and Appellants' response to those points should also inform this Court's disposition of the current appeal. Appellants therefore request that this Court supplement the Record on Appeal to include ECF Nos. 117 and 119 in the Record on Appeal.

For these reasons, Appellants respectfully ask that this Court grant to this motion to supplement the record. Appellees do not oppose this motion.

May 30, 2024

Respectfully submitted,

/s/ H. Christopher Bartolomucci

H. CHRISTOPHER BARTOLOMUCCI

Counsel of Record

KENNETH A. KLUKOWSKI

SCHAERR | JAFFE LLP

1717 K Street NW, Suite 900

Washington, DC 20006

Telephone: (202) 787-1060

Facsimile: (202) 776-0136

cbartolomucci@schaerr-jaffe.com

Counsel for Plaintiffs-Appellants

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume, typeface, and type-style requirements of Federal Rule of Appellate Procedure 27(d)(2)(A). Excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), the motion contains 334 words and was prepared using Microsoft Word and produced in Times New Roman 14-point font.

May 30, 2024

/s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2024 the foregoing Unopposed Motion to Supplement the Record was served via the Court's ECF filing system on all registered counsel of record. I further certify that all parties that must be served have been served.

/s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci